

## RECUSED:

- 4.2 Reno City Planning Commission - Regular - January 3, 2024 6:00 PM (For Possible Action)

*It was moved by Manny Becerra, seconded by Silvia Villanueva, to approve. Motion .*

<b>RESULT:</b>	Approved [5 TO 0]
<b>MOVER:</b>	Manny Becerra, Commissioner
<b>SECONDER:</b>	Silvia Villanueva, Commissioner
<b>AYES:</b>	Armstrong, Becerra, Munoz, Rohrmeier, Villanueva
<b>NAYS:</b>	
<b>ABSENT:</b>	
<b>ABSTAIN:</b>	J.D. Drakulich, Alex Velto
<b>RECUSED:</b>	

- 5 **Public Hearings – Any person who has chosen to provide his or her public comment when a Public Hearing is heard will need to so indicate on the Request to Speak form provided to the Secretary. Alternatively, you may provide your comment when Item 3, Public Comment, is heard at the beginning of this meeting.**

- 5.1 Staff Report (For Possible Action): Case No. **LDC24-00029 (Reno Axe)**  
- A request has been made for a conditional use permit to allow an existing indoor recreation and bar use to operate live entertainment activities between the hours of 11:00 p.m. and 10:00 a.m. The ±0.32 acre site is located on the northeast corner of North Sierra Street and West First Street (100 North Sierra Street). The site is within the Mixed-Use Downtown – Riverwalk District (MD-RD) zone and has a Master Plan land use designation of Downtown Mixed-Used (DT-MU). **[Ward 5]**

Alex Groden, applicant, gave an overview of the project and the conditional use permit request.

Carter Williams, Assistant Planner, provided staff analysis. With the recommended conditions, staff can make all of the required findings and recommends a motion for approval.

Disclosures: visited the site, reviewed public feedback, read and received emails

Public Comment:

The following people spoke in opposition with concerns related to the potential hours of operation that would be allowed, setting precedent for other bars in the area, noise issues, and inadequate police presence to deal with disruptive behavior:

Morten Homme  
Ann Cascarano  
Robert Rabkin  
Marilyn Johnson  
Magali Rivera  
Paul Irving  
Jennifer Hagen

Correspondence was received with 2 in favor and 10 opposed. Those were forwarded to the Planning Commission and entered as part of the record.

Questions:

Commissioner Armstrong asked staff to respond to public comment regarding the hours of operation in the staff report being different from the hours the applicant is proposing.

Mr. Williams explained the public notice post card indicates the trigger for an application. Condition No. 1 requires that the applicant comply with what was submitted in their application, which is to operate until 3:00 a.m. Condition No. 5 also specifies the hours of operation that would be allowed.

Commissioner Armstrong asked staff to respond to public comment regarding this setting a precedent.

Mr. Williams confirmed that this conditional use permit process is available to any business that wants to operate live entertainment past 11:00 p.m.

Chair Drakulich clarified that public comment concern was regarding noise outside the establishment. With other bars and a restaurant in that area, we can't associate noise complaints to one business or another. He asked if Code Enforcement response to noise complaints will impact this applicant whether it is their patrons or not.

Mr. Williams explained when Code Enforcement verifies compliance with the sound level restriction, there are ways to target the sound source.

Commissioner Velto asked how far away staff is looking when determining compatibility.

Mr. Williams explained that from a sound perspective, they are looking at the immediate area which has a lot of residential. It is less about the proximity to other uses and more about whether any use is going to be impacted negatively.

Mr. Groden responded to Commissioner Velto's questions regarding hours of operation for other businesses in the area. He confirmed that they are requesting to stay open until 3:00 a.m. on Thursday, Friday and Saturday and 11:00 p.m. on the other nights. Live music would be downstairs only.

Mr. Williams confirmed for Commissioner Villanueva that the business can be open 24 hours without live entertainment.

Commissioner Villanueva asked about compatibility requirements for other bars in the area.

Mr. Williams stated there are a number of bars downtown that established at different times with different requirements. As new operators come in we are looking at the original entitlements to see if we can apply the same standards to bring them into conformance with what is acceptable in a mixed use environment.

Mr. Williams confirmed for Commissioner Villanueva that staff does consider the proximity to residential for each conditional use permit request when looking at issues that could impact a finding of compatibility.

Commissioner Becerra asked what the vision is for mixed use downtown.

Mr. Williams stated from the master plan perspective, we want uses on the ground floor that will directly interact with a pedestrian environment while also providing the opportunity for residential and office uses that economically support a mixed use environment.

Mr. Williams confirmed for Commissioner Becerra that the proposed conditions were crafted with consultation of the Reno Police Department.

Mr. Frayssinoux responded to Commissioner Villanueva and stated they usually only have a queue outside about four times a year.

Commissioner Villanueva noted the applicant presentation stated the extended hours of operation would be for Friday and Saturday only while the staff presentation included Thursday night as well. She asked if the applicant would be open to only Friday and Saturday being open to 3:00 a.m. and not Thursday.

Mr. Frayssinoux responded yes.

Discussion:

Commissioner Velto stated he is in support of this as proposed by staff and can make all of the findings. When we look at the surrounding areas it would be unfair for us not to permit this type of use.

Chair Drakulich stated he also likes this as proposed and would hate to hinder a business.

Commissioner Munoz stated what Reno Axe is asking for is completely reasonable. There was public comment expressing concern that this would set a precedent, but the precedent has already been set with other bars in the area.

Commissioner Becerra stated he echoes the sentiments of his fellow commissioners and will support this. He empathized with the concerns expressed but recognized that the applicants are pretty neighborly. They have been thoughtful and if their presentation and outreach efforts are any indication of how things are going to go, things will be good for the area and it could be the model for how others should move forward with seeking conditional use permits.

Commissioner Rohrmeier also shared the sentiments of her fellow commissioners and will be supporting this request. From a compatibility standpoint the discussion is interesting since this business has been upstanding for four years. They have not had Code Enforcement issues and have been good neighbors. They have proven their compatibility in many ways.

Commissioner Villanueva stated generally speaking it is appropriate to grant the extension but she disagrees with including Thursday. While there are other businesses in the area, Reno Axe is a direct neighbor to residents. For the most part she agrees with her colleagues but asked that they only approve the extended hours for Friday and Saturday. The applicant can come back in the future and ask for the extra day after we see how this goes.

Chair Drakulich read the appeal process into the record.

***It was moved by Harris Armstrong, seconded by Alex Velto, to approve the conditional use permit, subject to conditions listed in the staff report as presented. Motion Pass.***

<b>RESULT:</b>	Approved [6 TO 1]
<b>MOVER:</b>	Harris Armstrong, Vice Chair
<b>SECONDER:</b>	Alex Velto, Commissioner
<b>AYES:</b>	Drakulich, Armstrong, Becerra, Munoz, Rohrmeier, Velto
<b>NAYS:</b>	Silvia Villanueva
<b>ABSENT:</b>	
<b>ABSTAIN:</b>	
<b>RECUSED:</b>	